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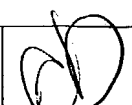
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,627	02/16/2000	Nobuhiro Ito	35.C14241	5922
5514	7590	05/20/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			TALBOT, BRIAN K	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

1762

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/505,627	ITO, NOBUHIRO	
	Examiner	Art Unit	
	Brian K Talbot	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-38, 40 and 42-56 is/are pending in the application.
- 4a) Of the above claim(s) 51-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-38, 40 and 42-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The amendment filed 3/18/04 has been considered and entered. Claims 15,39 and 41 have been canceled. Claims 1-14,16-38,40 and 42-56 remain in the application.
2. This application contains claims 51-56 drawn to an invention nonelected with traverse in Paper filed 7/29/03. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. In light of the amendment filed 3/18/04, the rejection over Murai et al. (5,227,691) and Spindt et al. (5,532,548) have been withdrawn.

Claim Rejections - 35 USC § 103

5. Claims 1-14,16-38,40 and 42-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dean et al. (5,726,529), Spindt et al. (5,614,781) or Nonomura et al. (5,083,058).

Dean et al. (5,726,529) (abstract, Figs. 1-10, col. 1, line 65 – col. 2, line 12 col. 4, lines 50-60 and col. 6, lines 35-45), Spindt et al. (5,614,781) (abstract, Fig. 2A,6,9B,12A-12D, col. 2, line 28 – col. 4, line 10) or Nonomura et al. (5,083,058) (abstract, Fig. 5, col. 3, line 50 – col. 4, line 15) all teach coating the spacer walls with a conductive material including electrodes by a

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variety of coating processes including, spraying, dipping, evaporation, sputtering, CVD, printing, etc.

While the Examiner acknowledges the fact that the references are silent upon the coating material being liquid and the coating being emitted, it is the Examiner's position that these coating techniques disclosed above incorporate a "liquid" coating material and a source of the coating material, i.e. emitter. Hence, the claimed limitations are taught or at least suggestive by the prior art.

Response to Amendment

6. Applicant's arguments filed 3/18/04 have been fully considered but they are not persuasive.

Applicant argued that the claims as now recited teach a curvature of the spacer (see Fig. 4 and specification, pgs. 35-38).

It is noted that the claims now require that the spacer be "curved" or "shaped" in a manner to improve the coating thereon. Dean et al. (5,726,529) (Fig. 10), Spindt et al. (5,614,781) (Fig. 6) and Nonomura et al. (5,083,058) (Fig. 5) all depict curved spacer walls that meet the claimed limitations.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K Talbot whose telephone number is (571) 272-1428. The examiner can normally be reached on Monday-Friday 6AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P Beck can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian K Talbot
Primary Examiner
Art Unit 1762

BKT